

KATHLEEN A. LEAVITT
 CHAPTER 13 BANKRUPTCY TRUSTEE
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UNITED STATES BANKRUPTCY COURT
 FOR THE DISTRICT OF NEVADA

In re:)	BK-S 09-24390 MKN
)	Chapter 13
STEVE G. ESCALONA and FLORENCE T. ESCALONA,)	
)	Date: N/A
Debtor(s).)	Time: N/A

**TRUSTEE'S EX PARTE MOTION FOR ORDER VACATING ORDER DENIAL OF CONFIRMATION
 AND DISMISSING CASE AND TO REOPEN CHAPTER 13 BANKRUPTCY CASE**

COMES NOW the Chapter 13 Bankruptcy Trustee, Kathleen A. Leavitt, by and through her counsel of record, Harold C. Comanse, Esq., and files herewith her **Ex Parte Motion for Order Vacating Order Denial of Confirmation and Dismissing Case and to Reopen Chapter 13 Bankruptcy Case** as follows:

On October 22, 2009, the pre-confirmation hearing regarding the Debtors' proposed Chapter 13 Plan was held. At that time, the 11 U.S.C. § 341(a) Meeting of Creditors was reset and the confirmation hearing was continued by the Trustee. However, due to the lack of communication, the Court denied confirmation and dismissed this case and, subsequently, the Order was entered on the Court's docket on or about October 28, 2009.

The Trustee is requesting that the "Order Denial of Confirmation and Dismissing Case" entered on this Court's docket on or about October 28, 2009 be vacated and the case reopened to allow the Debtors to remain in Chapter 13 bankruptcy. In addition, as it appears that entry of the Order has not been noticed to the parties in interest, the Trustee requests that she be allowed to file this Motion *ex parte*.

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